

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES EARL EVANS SR.,

Plaintiff,

-against-

LYNDSAY SANTA, et al.,

Defendants.

1:23-CV-0637 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff James Earl Evans Sr., who is currently incarcerated in the Elmira Correctional Facility, brings the present *pro se* action asserting that his federal constitutional rights were violated between January 5, 2022, and November 5, 2022, because of the alleged efforts of Orange County Department of Social Services employees with respect to the current and prospective custody status of his children; such efforts include the alleged statements those employees made in a state court. The Court received Plaintiff's complaint commencing the present action on January 23, 2023. On that same date, the Court received another complaint from Plaintiff in which he makes similar allegations arising from events that allegedly occurred on or about February 12, 2022. That other complaint commenced a civil action in this court that has been assigned a lower civil docket number and is known as *Evans v. Santa*, 1:23-CV-0626 (LTS).

It appears to the Court that the present action may be duplicative of Plaintiff's other pending action in this court, *Evans*, 1:23-CV-0626 (LTS). In light of Plaintiff's *pro se* status, the Court directs Plaintiff to show cause by declaration, within 30 days of the date of this order, why the Court should not dismiss the present action without prejudice as duplicative of *Evans*, 1:23-CV-0626 (LTS).

CONCLUSOIN

The Court directs Plaintiff to show cause by declaration, within 30 days of the date of this order, why the Court should not dismiss the present action without prejudice as duplicative of *Evans*, 1:23-CV-0626 (LTS). A declaration form is attached to this order.

If Plaintiff fails to file a declaration within the time allowed, or fails to show cause why the present action should not be dismissed, the Court will dismiss the present action without prejudice as duplicative of *Evans*, 1:23-CV-0626 (LTS).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 30, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge